

MULTIDISCIPLINARY TEAM PROTOCOL

The purpose of the _____ Multidisciplinary Team shall be to insure the immediate and future safety of the child victim, minimize further trauma or revictimization , assist in the healing of the child victim, increase the quality of sexual abuse investigations, and to facilitate efficient and appropriate disposition of cases through the criminal justice system (See: KRS 620.040 (7)(c)).

Goal: Safety and Concern for Child Victims of Sexual Abuse

- To insure the immediate and future safety of the child victim and to minimize further trauma or revictimization which the child might experience;
- To protect the rights of the child and the child's family;
- To increase the chance of successful healing of the child victim by ensuring access to needed medical and mental health intervention;
- To improve the investigation of child sexual abuse in order to minimize the number of victim interviews and to ensure interagency collaboration;
- To protect the privacy interests of the child during the investigation and case review process;
- To identify deficiencies, inefficiencies or any lack of local resources which are needed to help child abuse victims;
- To develop corrective plans to address system weakness in order to make needed resources available and accessible to children and families;

Goal: Accountability of the Child Sexual Abuse Service System

- To increase the quality of sexual abuse investigations and eliminate the duplication of efforts by service providers and investigators;

- To increase the safety of communities through the conviction and implementation of appropriate penalties for sexual offenders;
- To avoid the possibility of any child or family's case "falling through the cracks" of the service system;
- To hold all professionals involved in child sexual abuse cases to the highest standard of professional conduct;
- To identify means of improving the overall service system and to advocate for the implementation of those improvements;
- To maximize ways in which survivors and family members can have a voice in how the system in the local community works on behalf of child sexual abuse victims;
- To collect and maintain accurate information regarding the investigation and prosecution of child sexual cases.

ROLE OF MULTIDISCIPLINARY TEAM MEMBERS

One of the strengths of multidisciplinary teams is the divergent perspective and unique expertise that each team member brings to the group as a whole. Teams that function most effectively are those that fully understand the roles of individual members within their respective agencies or organizations and their roles as team members. The sections below identify the individualized responsibilities and functions of multidisciplinary team members. They are categorized by professionals considered "core" team members who actively participate in the investigation and prosecution of child sexual abuse cases and those professionals or organizations whose participation may not be required, but would enhance the team's operation. First, several key responsibilities are identified which are common to all team members.

Key Responsibilities Common to All Team Members

- Keep as a priority -- the best interest of the child;

- Cross-train other team members;
- Attend team meetings and actively participate in the team's activities;
- Work and communicate in a cooperative manner with other agencies on the multidisciplinary team, while maintaining the privacy interests of the child and the confidentiality of the case review process;
- Report to appropriate law enforcement agencies, prosecutors and the team if a child discloses being coerced or threatened by anyone and any other significant developments in the case, and;
- Report to the Department for Community Based Services, appropriate law enforcement, prosecutor, or the team if there is any further information or disclosure of abuse by the victim (KRS 620.030).

Core Team Members

Core team members include the Cabinet for Families and Children (Department for Community Based Services) and law enforcement officers (KRS 620.040(7)(b)) and Commonwealth's and county attorneys (KRS 15.727). Additional team members may include Children's Advocacy Center staff, mental health professionals, medical professionals, victim advocates, educators, and other related professionals, as deemed appropriate (KRS 620.040). Because additional team members may not be actively participating in the investigation and prosecution of every case reviewed by the team, their presence during the entire case review process should be determined by the core team in order to protect the privacy interests of the child.

Prosecuting Attorneys; KRS 15.727: Duty to Assist Multidisciplinary Team

Pursuant to KRS 15.727, each Commonwealth's Attorney and each County Attorney shall assist any child sexual abuse multidisciplinary team established in his circuit or county and should be a core member of the team.

Commonwealth's Attorney

The Office of the _____ Commonwealth's Attorney prosecutes all felony crimes (those offenses carrying a penalty of one year or more) committed by persons eighteen years of age or older, which occur in the judicial circuit of that prosecutor. In some specific instances, the Commonwealth's Attorney may also prosecute juveniles charged with felony offenses. The Commonwealth's Attorney is also responsible for presenting evidence of such crimes to the grand jury (KRS 15.725).

County Attorney

The Office of the _____ Attorney prosecutes all violations of criminal laws, except KRS Chapter 131, within the jurisdiction of the district court and all proceedings held pursuant to petitions filed under KRS Chapter 610, which occur in the county of that prosecutor. These cases include felony crimes through preliminary hearing, misdemeanor crimes, crimes committed by juveniles, and dependency, neglect and abuse cases (KRS 15.725; KRS 610). The county attorney has a critical role in the handling of abuse; neglect or dependency cases in juvenile court that are a primary source of protection for sexually abused children.

Specific Responsibilities of the _____ Prosecuting Attorneys relating to child sexual abuse cases include:

- To facilitate case review, discuss evidentiary issues, trial procedures and case status.
- Commonwealth's and county attorneys have decision-making authority regarding the disposition of criminal cases. The decision to proceed by trial or guilty plea, to amend or to dismiss charges, to make sentencing recommendations as to term of years, concurrent or consecutive sentencing, or probation, shall be made by the prosecuting attorney. The prosecutor should consider input from the team in making these decisions, and the victim and team should be consulted by the prosecuting attorney on the disposition of the case (KRS 421.500(6)).
- To communicate decisions regarding the case progression to the victim (KRS 421.500(6)).
- Other Responsibilities as defined by the team.

Department for Community Based Services

Pursuant to KRS 431.600, the joint investigation of child sexual abuse cases by the Department for Community Based Services (DCBS) and law enforcement is required. DCBS workers shall be available to assist in all investigations of child sexual abuse, but shall be lead investigators only in those cases of reported or suspected sexual abuse of a child in which a person exercising custodial control or supervision, as defined in KRS 600.020 (42), is the alleged or suspected perpetrator of the abuse.

Specific Responsibilities of the _____ DCBS relating to child sexual abuse cases include:

- Investigate immediately all reports of child abuse or neglect in which the alleged perpetrator was in a caretaking role and within 72 hours of receipt of the allegation make a written report to the prosecutor and local law enforcement (KRS 620.040). DCBS shall assist law enforcement in the investigation of non-custodial abuse cases. Law enforcement will be the lead investigator in these cases. Child sexual abuse investigations shall be conducted jointly with law enforcement (KRS 431.600);
- Conduct central registry checks maintained by DCBS to determine if there has been prior child protective services involvement with the family, child victim or the perpetrator;
- Participate in interviews in all sexual abuse investigations. To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center KRS 620.040(6);
- During the course of the child abuse and neglect investigation, DCBS will assess the validity of the allegations and any risk to the child. In most cases, the victim, the child's caretaker, and the alleged perpetrator will be notified of the results of the investigation. The law specifically identifies those individuals or entities that may be informed of the outcome of an investigation (KRS 620.050). The findings of an investigation by DCBS, and specifically whether an allegation of child sexual abuse is substantiated or not substantiated is a social work judgment, not a legal or judicial determination;
- In cases where the child is perceived to be at risk of further abuse, neglect or dependency, protective services shall be initiated. DCBS staff provide or make

referrals for the following types of services or supports: parenting classes; mental health assessment or treatment; treatment or support groups for victims, perpetrators, and non-offending parents; victim advocacy; or other services warranted by the specifics of the case;

- In cases where the child is perceived to be at imminent risk of serious physical injury or sexual abuse, DCBS shall initiate a petition for emergency custody as prescribed in KRS 620.060. DCBS cannot remove a child from the home without order of the court. In addition to seeking removal of the child victim, DCBS may seek less restrictive dispositional alternatives such as court ordered treatment, removal of the perpetrator, or other alternatives;
- When a child is removed from the home, DCBS is mandated to provide reunification services. DCBS conducts periodic administrative reviews of all children in out-of-home care placement. At these reviews, an assessment of the family's progress in treatment and an assessment of the child's placement needs will take place. In support of the Federal Adoption and Safe Family Act all children who have been in care for 12 months must have a permanency plan as detailed in KRS 610.125;
- In any instances in which law enforcement or DCBS interviews a child alone, the products of the interview (e.g.: notes or recordings) should be immediately made available to the other investigating agency not present at the interview.
- Other Responsibilities as defined by the team.

Law Enforcement Officers

Kentucky State Police

The duties of the Kentucky State Police are detailed in KRS Chapter 16. Troopers and detectives investigate alleged criminal conduct committed within the Commonwealth.

Sheriff

The duties of the sheriff are detailed in KRS Chapter 70. The sheriff and the sheriff's deputies investigate criminal acts and participate in courtroom processes within a county jurisdiction. Sheriffs are also involved in the service of warrants and other court orders, including emergency protective orders and domestic violence orders provided for within KRS Chapter 403 which may be filed on behalf of a child in need of protection.

City and County Police

The duties of the city police department are detailed in KRS Chapter 95. The city police department investigates criminal acts within a municipality, while the jurisdiction of county police relates to crimes committed within the county borders.

Specific Responsibilities of

_____, relating to child sexual abuse cases
include:

- Conduct investigations for criminal prosecution, including evidence gathering and criminal case presentation to prosecutors;
- In the course of the investigation, interview child victims, parents (non-offending), alleged offenders, and any witnesses to the offense(s). This may include videotaping of child victims, although all prosecutors do not support this practice. The decision as to whether to use videotaping should be discussed and decided upon by the prosecutor and local team members. If videotaping of interviews is used, specific procedures should be outlined in the team's protocol and shall be in compliance with KRS 620.050, Duplication of Videotaped Interview of Child Victims;
- Investigations, including interviews, shall be coordinated with DCBS in compliance with KRS 431.600. To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center KRS 620.040(6). This does not imply that an officer or detective may not interview a child victim without the presence of a social worker, but every effort should be made to conduct joint interviews in order to reduce the number of times a child must retell the abuse story to investigators;
- Obtain and serve warrants, subpoenas, and court orders (including emergency protective orders sought on behalf of a child sexual abuse victim);
- Make referrals to mental health professionals, medical professionals or victim advocates as appropriate;
- If there exists reasonable grounds for a law enforcement officer to believe that a child is in danger of being sexually abused and the persons exercising custodial control cannot or will not protect the child, the officer may take the child into protective custody without the consent of the parent. The officer or person to

whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order. (KRS 620.040(5)(c));

- In any instance in which law enforcement or DCBS interviews a child alone, the products of the interview (e.g.: notes or recordings) should be immediately made available to the other investigating agency not present at the interview.
- Other Responsibilities as defined by the team.

Children's Advocacy Centers

Children's Advocacy Centers (CACs) are designed to promote the well being of children while facilitating the most effective investigation and prosecution of child sexual abuse cases. CACs create a child friendly environment within which interviews, examinations and therapy service can be conducted. In addition to focusing on the best interest of children, CACs also provide an opportunity to give support to professionals who dedicate themselves to the protection of children, particularly social workers, advocates, law enforcement officers and prosecutors. CACs are defined in KRS 620.020 (4).

Specific Responsibilities of the _____ relating to child sexual abuse cases include:

- Provide a single, child-friendly location where all services provided to children during the investigation process can be offered;
- Provide a location, including a child friendly room, one-way mirror and recording capability, for law enforcement and DCBS staff who conduct interviews with children alleged to have been sexually abused;
- Selected CACs also provide forensic interview services defined as a structured interview with a child for the purpose of facilitating a criminal investigation. These forensic interviews are provided by masters level mental health professionals with special expertise in forensic interviews;
- To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center KRS 620.040(6).

- Provide comprehensive medical examinations and mental health screenings for a child to assess the child's physical well being and to document any evidence of sexual or other abuse. Medical examinations provided by CACs are provided in accordance with 907 KAR 3:160, by a licensed physician with pediatric experience and expertise in the evaluation and treatment of child abuse. Medical examination services may be provided by a sexual assault nurse examiner certified in accordance with KRS Chapter 314.011, if the child is fourteen years or older;
- Provide advocacy services to assist child victims and their non-offending caregivers which may include: accompaniment to court, case management, information and referral services;
- Provide counseling services which may include: crisis telephone line and support-group services;
- Provide clinical services which may include: mental health screening, mental health evaluation, individual therapy services for children and non-offending caretakers and families;
- Provide group therapy services for children and non-offending caretakers;
- Provide a centralized location for the multidisciplinary team to meet, a location that ensures that the privacy interests of the child will be protected during the team review process;
- Participate in multidisciplinary team meeting in the counties that the regional CAC serves;
- Provide staffing to local multidisciplinary teams, to the extent possible;
- Provide consultation and educational services;
- Provide technical assistance and consultation resources to criminal justice and human service professionals in the region in which the center is located.
- Other Responsibilities as defined by the team.

Mental Health Professionals

Mental health professionals may include psychologists licensed or certified pursuant to KRS 319; social workers who are certified or licensed pursuant to KRS 335; physicians or psychiatrists licensed pursuant to KRS 311; psychiatric nurses licensed pursuant to KRS 314; marriage and family therapists and art therapists licensed pursuant to KRS 335 or other professionals with graduate degrees in counseling or related fields. Teams are encouraged to utilize the Designated Child Sexual Abuse Treatment Coordinator or their designee from the regional Community Mental Health Center as the mental health professional representative.

Specific Responsibilities of the _____ relating to child sexual abuse cases include:

- Maintain confidentiality except as provided by law (KRS 209.030, KRS 620.030, KRS 202A.400, KRE 506, KRE 507, and KRE 509);
- Provide specific support and help to the prosecutor (or the prosecutor's victim advocate) and the Guardian *Ad Litem* in preparing child victims and their families for court related meetings or proceedings;
- Provide psychological or psychosocial assessment of the mental health needs of child victims, or non-offending parents;
- Provide crisis intervention services to assist with the emotional crises of the child or family, particularly in instances of apparent suicide or homicide risk;
- Provide continuing therapeutic intervention to children and families during and subsequent to the investigation and prosecution process;
- Provide specialized consultation to professionals involved in the investigation with a goal toward providing insight into the impact of the victimization on the child and the parent and interpreting behaviors within the context of trauma response;
- Serve as a resource to the team for: current prevailing literature related to child sexual abuse and its impact on children; most widely accepted assessment techniques, and best practices for age specific interventions;

- Assist DCBS or law enforcement in determining the risk to a child. This role is limited to consultation, as DCBS retains the statutory responsibility to substantiate child sexual abuse;
- Aid in determining the most appropriate mental health services for all family members;
- Identify adult mental health issues (relating to non-offending parents or other caretakers), which would impact the course of the investigation or the welfare of the child;
- Provide expert testimony for the court;
- Assist in the preparation of Victim Impact Statements;
- Facilitate the development of long-term treatment resources in the community.
- Other Responsibilities as defined by the team.

Medical Professionals

Medical professionals may include physicians licensed pursuant to KRS 311.550 or nurses licensed pursuant to KRS 314.011 and other health care providers licensed within Kentucky statute. The statutes provide authority to physicians and hospital administrators to place a child under a 72-hour hold if necessary for protection (KRS 620.040) and provide immunity from criminal or civil liability for performing diagnostic procedures or taking x-rays pursuant to child abuse reports (KRS 620.050).

Specific Responsibilities of the _____ _____ medical professionals relating to child sexual abuse cases include:

- Provide a specialized medical evaluation to assess whether findings consistent with the presentation of child sexual abuse or other forms of abuse are present. The examination may include, but is not limited to use of a colposcope;
- Diagnose and treat child victims of sexual abuse as indicated, specifically including bodily injury, sexually transmitted diseases or other outcomes of the abuse;

- Answer medical questions which arise during case discussions by team members, including explanation and interpretation of findings in the medical report;
- Provide expert testimony for the court;
- Provide screening and referral for other medical services;
- Provide consultation regarding the significance of specific past medical data to the current investigation, including the credibility of previous medical examinations;
- Serve as a resource to the team for: current prevailing medical literature relating to child sexual abuse; most widely accepted assessment tools or practices; best practices for age specific interventions;
- Facilitate the development of medical resources for child sexual abuse cases in the community.
- Other Responsibilities as defined by the team.

Victim Advocates

KRS 15.760 and 69.350 (relating to victim advocates hired by Commonwealth's Attorneys and county attorneys, respectively) and KRS 421.570 describe the position of victim advocate. There are statutory training requirements, duties and restrictions on activities for victim advocates. The victim advocate assists crime victims, (as defined in KRS 421.500) with accessing rights afforded to them by the Crime Victim's Bill of Rights (KRS 421.500-575) and other applicable statutory provisions. Victim advocates are important, not only for the direct support and education services which they provide to victims and their families, but also because they play a key role in linking professionals and agencies together, and in increasing the accountability of the service system. Victim advocates should not duplicate services provided by other agencies (e.g.: DCBS workers providing case work services or mental health professionals providing treatment services), but should fill in gaps and link resources together for each child and family.

A community based victim advocate may also be a member of the team.

Specific Responsibilities of the _____ relating to child sexual abuse cases
include:

- Act as a liaison for the child's case, including serving as a link between the child and the agencies with which the child is involved. This may include documenting all services being rendered to the child victim;
- Assist the child and family in accessing available community resources (emergency food, housing, mental health counseling and other resources);
- Provide information and education to the child and family regarding the roles of all professionals involved in the case;
- Provide emotional support services to the child and family, including education regarding what to expect in the investigation and court process and supportive counseling;
- Accompany the child and family members to court proceedings upon their request and assist in preparing children and family members for the court experience;
- Notify children and family members of court dates and other significant developments related to the prosecution of the case;
- Provide information to team members regarding case information gathered in the course of providing direct services and in the course of coordinating services between agencies;
- Assist the child victim or family with the preparation of the Victim Impact Statements;
- Provide the Parole Board with a copy of the Victim Impact Statement and schedule and accompany the child victim or family, at their request, to the victim parole hearing;
- Assist the family in accessing appropriate compensation from the Crime Victim's Compensation Board;
- Advocate for the rights of the child with each agency involved in the case or agencies which should be involved, and with the prosecutor and court system.

- Other Responsibilities as defined by the team.

Education Professionals

Education professionals for the purpose of this protocol, include school counselors certified pursuant to KRS 161.010-161.126, Family Resource and Youth Services Centers (KRS 156.4977), teachers, administrators, or other school personnel. The education professional serves as a liaison between the team and individual teachers or counselors, notifying the teacher or counselor when confidentially seeking his/her input would be valuable to the case review process. The team should reach a consensus regarding when the contacting of individual teachers would benefit the investigation. These professionals help students reduce personal barriers in the learning process through academic and emotional supports.

Other Related Professionals

KRS 431.600 and 620.040 recognize that there may be other related professionals whose participation on the multidisciplinary team is necessary and appropriate. Other related professionals that may be included are: Family Court worker, Family Resource worker, CASA should only be included when the professional's input is necessary and appropriate and directly related to a specific case. In determining what is necessary and appropriate, the team should consider the information the other related professional might provide, as well as the privacy interests of the child. In those instances where the team decides to include a related professional in the case review process, participation should be limited to the specific case.

The Operation of the Multidisciplinary Team

Objectives

- To review all reports of child sexual abuse (431.600).
- To protect children to ensure they are safe and free from further harm and decrease further trauma;
- To provide services and referrals to families and access the need for out of home care;

- To maximize the use of multiple agencies by sharing information, effective communication, coordinating functions, and establishing roles;
- To facilitate the disposition of each case in a timely manner, including charges in the legal system;
- To encourage mutual accountability among all team members.

Structure

The _____ or his/her designee will serve as chairperson of the team and shall maintain all records of the cases reviewed. CAC staff will assist in the facilitation of the meeting and in updating the review sheets detailing the case progress.

Frequency of Meetings

The _____ **Multidisciplinary Team** will meet _____ at _____ **am/pm** at (location) _____.

Attendance at Meetings

The _____ will consist of both public and private portions of the meetings. General business will be the public portion of the meeting and may include community education and awareness, policy recommendations for the community, or other items. Case review and staffing of cases shall be conducted in the closed portion of the meeting attended solely by core team members. The core team members shall determine whether additional team members and related professionals shall be present for specific cases.

Joint Investigation of the Multidisciplinary Team

KRS 431.600; Coordination of Child Sexual Abuse Investigations and Prosecutions

Kentucky law stipulates that each investigation of reported or suspected sexual abuse of a child shall be conducted by a specialized multidisciplinary team composed , at a minimum, of law enforcement officers and social workers from DCBS (431.600(1)). The following investigative procedures reflect a team comprised of these two members. It follows chronological steps beginning at the point of the receipt of a report through the investigation of the allegation. Investigations will usually occur within the framework of the overall review function of the local multidisciplinary team. The investigation conducted by law enforcement and DCBS team members may be reviewed by the team as a whole.

The goal of the investigation is to determine if a child has been sexually abused and by whom, if the child (or other children in the home) is at imminent risk of sexual abuse, and if abuse or risk exists, what can be done to ensure protection of the child. The focus of law enforcement and social services team members is different in the course of making this determination: the law enforcement responsibility being an assessment of whether an offense has occurred, the social services responsibility being an assessment of the degree of risk to which the child is exposed and of the protective services needed by the child. The varied perspectives of the investigators greatly strengthen the process of the investigation, and the ultimate prosecution of the offender and the offering of protective services to the child.

Each investigation of reported or suspected sexual abuse of a child shall be conducted by a specialized multidisciplinary team composed, at a minimum, of law enforcement officers and social workers from DCBS. Additional team members may include Commonwealth's and County Attorneys, and other related professionals, as necessary.

Initiation of the Investigation

Preferred Initial Response

Upon receipt of a report by either investigation agency, the assigned Department for Community Based Services worker and law enforcement officer will respond jointly to conduct initial interviews of the child and other relevant parties.

Alternative Initial Response

In some instances, a lack of staff resources for either agency will mean that one of the investigators is not immediately available to conduct the needed initial interview. Such delays could place a child at further risk. Under these circumstances, the initial interview with a child may be conducted by only one of the investigative partners. If,

for example no law enforcement officer is immediately available, the DCBS worker will respond and conduct initial interview(s). The worker will then contact the assigned law enforcement officer and provide detail on the initial assessment. When completing the 72-hour notice on the DCBS-115, the worker will document the notice to law enforcement. The DCBS will always work under the statutory and regulatory time lines for immediately initiating an investigation of child sexual abuse upon receipt of a report (KRS 620.040; 905 KAR 1:330E, Section 4).

Social Worker Safety

Law Enforcement, upon request of the Department for Community Based Services, shall accompany the worker on all child sexual abuse investigations where worker safety is believed to be a concern.

Investigative Procedures

Interviewing Child Victim and non-offending family members

Law enforcement and the Department for Community Based Services shall jointly decide who will conduct the interviews with the child victim and non-offending family members. Preliminary interviews of child victims will occur immediately (hours) upon receiving a child sexual abuse report by Department for Community Based Services and Law Enforcement to determine if the child/children are safe. To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at the Children's Advocacy Center , by the multidisciplinary team (law enforcement, Department for Community Based Service worker, Prosecutor and CAC forensic interviewer) (KRS 620.040 (6)).

If the child is interviewed at the _____ only one forensic interviewer shall conduct a forensic interview with a child. At maximum, a second forensic interviewer may also co-conduct the forensic interview. If a second interviewer is to be used, the two participants shall take measures prior to the start of the interview to:

- a) Reduce any intimidation or additional anxiety on the part of the child because of the presence of two unknown adults;
- b) Agree upon the role of both interviewers in the interview so as to facilitate an effective, time-efficient and child friendly process.

Forensic interviews may only be witnessed by DCBS staff, law enforcement, prosecutors and CAC staff who are members of a multidisciplinary team and who are

actively participating in the investigation of the case involving the child. Interviewers shall be advised as to who is witnessing the interview. Student interns under the direct supervision of one of the above professionals may witness a forensic interview in the presence of their supervisor. Witnessing forensic interviews shall be limited to observation from outside the room where the child is located. All professionals and students who witness the forensic interview shall sign a confidentiality form provided by the CAC. Signed confidentiality forms shall be retained in the child's client file. Forensic interviewers may wear an ear microphone during the interview through which witnesses may communicate questions to the interviewer. All interviews conducted at the CAC will be recorded on DVD or videotape.

An interview of a child recorded at a children's advocacy center shall not be duplicated except that the Commonwealth's or county attorney prosecuting the case may:

1. **Make and retain one (1) copy of the interview; and**
2. **Make one (1) copy for the defendant's counsel that the defendant's counsel shall not duplicate.**

The defendant's counsel shall file the copy with the court clerk at the close of the case. Unless objected to by the victim or victims, the court, on its own motion, or on motion of the attorney for the Commonwealth shall order all recorded interviews that are introduced into evidence or are in the possession of the children's advocacy center, law enforcement, the prosecution, or the court to be sealed. (KRS 620.050(10)).

Conducting Records Checks of Prior Abuse

Law enforcement agencies, in the course of a criminal investigation, may conduct a records check for any prior convictions by the alleged perpetrator, both within Kentucky and other states. The Department for Community Based Services shall check the central registry maintained by that agency to determine if a report has been previously made. The Department for Community Based Services requires a state records check for any prior convictions by the alleged perpetrator.

Interviewing and Removing Alleged Perpetrators of Sexual Abuse

Every effort should be made to interview the alleged perpetrator as quickly as possible (preferably prior to the alleged perpetrator being made aware that an allegation has been made).

In intra-familial situations, the investigative team should use every effort to remove the alleged perpetrator from the home rather than the alleged victim. A voluntary

agreement by the alleged perpetrator to leave, accompanied by the non-offending parent's support for this plan, should be sought but should not be considered sufficient without a specific plan to monitor compliance. The uses of a protective order through which a court may require the perpetrator to vacate the residence are optimal (KRS 403). Even where the family's response to the crisis is such that it is deemed necessary for the child to be removed from the home for a short period, every effort must still be made to remove the suspect and restrict that individual's influence on the family.

Options may include the following:

- a) The non-offending parent may seek an emergency protective order on behalf of the child victim pursuant to KRS 403;
- b) Though not as effective as a protective order, the non-offending parent may seek a restraining order as part of a decision to obtain a legal separation and sole custody of the child; or
- c) The filing of a dependency petition to bring the family under the jurisdiction of the court and seek orders limiting perpetrator access to the child.

Notifications and Referrals

The Law Enforcement / DCBS investigative teams will notify the full team of referrals at the monthly meetings. Law enforcement shall bring all cases originating through the Police Department and DCBS shall bring all cases originating through the Cabinet. Children's Advocacy Center shall ensure that all cases seen at the center are reviewed.

Prosecution of Child Sexual Abuse Cases

- Direct indictment shall be the preferred method of initiating prosecution of felony child sexual abuse cases, particularly when the child victim is likely to be called as a witness (due to the trauma for the child associated with the court experience). In cases originating in the county attorney's office, the county attorney shall coordinate efforts in potential felony cases with the office of the Commonwealth's Attorney;
- If adequate personnel are available, each prosecutor's office shall have a child sexual abuse specialist (KRS 431.600(3));
- If adequate personnel are available, the Commonwealth's Attorney and county attorney shall provide for an arrangement which allows one lead prosecutor to handle the case from inception to completion to reduce the number of persons involved with the child victim (KRS 431.600(5));
- The prosecutor shall request bond conditions deemed necessary to protect the welfare of the victim, such as no contact between the alleged perpetrator and the victim or the victim's family;

- Upon initiation of formal charges by the prosecutor's office, the prosecutor or a member of the prosecutor's staff shall contact the victim;
- The prosecutor shall minimize the involvement of the child in legal proceedings, avoiding appearances at preliminary hearings, grand jury hearings, and other proceedings when possible (KRS 431.600(6));
- All cases to be prosecuted shall be presented to the grand jury in a timely manner;
- In interviewing a child victim, the prosecutor shall be sensitive to the needs of the child and throughout the case shall make every effort to lessen the trauma of that experience for the child;
- The prosecutor shall explain any decision not to prosecute to the family or guardian and to the child victim (KRS 431.600(7));
- The prosecutor shall take an active part in interviewing the child victim/witness and in familiarizing the child victim/witness with the court system and proceedings as early as practicable (KRS 431.600(4)); to the extent practicable and when in the best interest of the child, these interviews shall be conducted at the CAC;
- Children expected to testify shall be prepared for the courtroom experience prior to the day of trial (KRS 26A.140(1)(c));
- The prosecutor or a member of the prosecutor's staff shall request that the environment of the courtroom be modified to accommodate the needs of the child and in appropriate cases procedures shall be used to shield children from visual contact with the alleged perpetrator (KRS 26A.140; KRS 421.350);
- All victims and witnesses who are required to attend criminal justice proceedings shall be notified promptly of any scheduling changes that affect their appearances (KRS 421.500(5)(a));
- Victims who have provided the prosecutor with a current address and telephone number shall receive prompt notification of judicial proceedings relating to their case (KRS 421.500(5)(b));
- If the child victim is less than 16 years of age and the offense is a sexual offense, the Commonwealth may move for a speedy trial. If the motion is granted, the trial shall be scheduled within 90 days and the impact on the well being of the child must be considered when request for delay is made (KRS 421.510). The victim advocate or other support person shall be present any time the victim or family attends a court proceeding;
- The prosecuting attorney or a member of the prosecutor's staff shall make appropriate referrals for counseling, private legal services, and other appropriate services to ensure the future protection of the child regardless of whether the case is prosecuted (KRS 431.600(7));
- The prosecutor or a member of the prosecutor's staff shall routinely update the team on the status of the criminal case and shall participate in informal

consultations with law enforcement, social service or other team members on an as-needed basis.

The Case Review Function of the Multidisciplinary Team

Objectives of Case Review

Case review or staffing of child sexual abuse cases involves all team members, unlike joint investigations, which is primarily limited to DCBS and law enforcement.

Team members shall:

- **Provide information on the status of the case;**
- **Conduct investigation in a timely manner;**
- **Offer suggestions for further steps;**
- **Be held accountable for cases presented to the Team.**

Case Review Procedure

All reported allegations of child sexual abuse shall be presented to the multidisciplinary team on the _____. Law enforcement shall bring all cases originating through the Police Department and DCBS shall bring all cases originating through the Cabinet. CAC will present cases seen at the center. The prosecutor shall ensure all cases being prosecuted shall be reviewed by the team. All reported cases shall be presented and reviewed by the multidisciplinary team (KRS 431.600). Following the initial introduction, cases are regularly reviewed until the team decides to close the case. The conclusion of a case may involve prosecution, the arranging of counseling or other services for the victim or a transfer of the case to a proper jurisdiction.

All team members are equally empowered and encouraged to participate.

Case Review Process

Case review forms are initiated by the person presenting the case to the team and follow-up information is completed by _____. Case review forms are completed for each case presented. The forms are completed by

_____ and maintained by the Commonwealth's Attorney's Office after presentation. Copies of the completed forms are not distributed to the other team members.

Privileged Communication and Confidentiality

Forms acknowledging the need for confidentiality are signed each week by every team member present at the meeting and any non-team member associated with a participating agency or professional. All team members participating in the multidisciplinary team meeting are required to ensure that the appropriate releases have been signed ensuring that they are in compliance with state and federal laws requiring confidentiality of records and case sharing of information for their discipline.

The case review portion of the meeting is closed to non-team members not associated with a participating agency or professional and to the public (Open Records Act KRS 61.870-884)

The Presentation of Facts During Case Reviews

All members are encouraged to participate, share information and provide guidance on any case presented to the team.

Training for Multidisciplinary Team Members

Training of members will be consistent with statutory requirements and the policies of the various agencies represented on the team. Cross training is scheduled at least annually whereby each team member presents a summary of his/her duties and responsibilities regarding child sexual abuse cases.

Business Meeting

The team will participate in a business meeting annually to review and evaluate procedures. This meeting shall be held during the month of January. Suggestions for change are encouraged.

Data Collection

The team shall submit case review forms to the Office of the Attorney General as required under (KRS 620.040(7)(E)). In addition to the statutory required forms, the team shall also submit case review forms of all cases reviewed to the Office of the Attorney General. The scope of the information included on the form includes data related to victims, offenders and prosecution. This information shall also be complied by the Commonwealth Attorney's Office and the Children's Advocacy Center and presented at the annual team meeting in January.

Information to be collected shall include:

- Attendance records of membership
- Number of cases reviewed
- Number of cases charged and prosecuted
- Results of charged cases
- Minutes of business meetings

HIPAA Guidelines

Federal HIPAA guidelines may apply to data collection/submission if the entity submitting the data is a "health care provider". If a provider is submitting data covered by HIPAA, a Business Associate Agreement may need to be put in place insuring that the information collected cannot be re-disclosed. It is recommended that any agency concerned with meeting HIPAA requirements contact a person with expertise in this area.

MULTIDISCIPLINARY TEAM

This Agreement is entered into on the _____ day of _____ 200_, by the parties indicated below. The terms and conditions of the agreement shall be reviewed annually and may be amended only in writing executed by all parties.

Commonwealth's Attorney Office	Date
--------------------------------	------

County Attorney's Office	Date
--------------------------	------

City Law Enforcement	Date
----------------------	------

County Law Enforcement	Date
------------------------	------

Kentucky State Police	Date
-----------------------	------

Cabinet for Health & Family Services	Date
--------------------------------------	------

Children's Advocacy Center	Date
----------------------------	------

Mental Health Professional	Date
----------------------------	------

Medical Professional	Date
----------------------	------

Victim Advocate	Date
-----------------	------

Other Team Member	Date
-------------------	------

Other Team Member	Date
-------------------	------